



Proposed Amendment to the Santa Monica Bay Restoration Commission Memorandum of Understanding and Staff Report



**Governing Board Meeting
June 18, 2020
Item 3.c**





Background

- MOU required by SB 1381 to:
 - Set forth the agreement among Secretary for the California Environmental Protection Agency (CalEPA), Secretary for the California Natural Resources Agency, and Chair of the Governing Board
 - Ensure the coordination of state programs affecting Santa Monica Bay
 - Delineate the authority and governance structure of the Commission
 - Prescribe the membership of the Commission

Amendment Process Overview

Milestone	Date
Original CCMP finalized and approved*	1995
Original MOU adopted and signed	2003
Amendments to the MOU	2005, 2007, 2009, 2011, 2012, 2013 and 2014
Latest revision and update to the CCMP	2018

* Finalized by the Santa Monica Bay Restoration Project and approved by the Governor and US EPA

Amendment Process Overview

- CCMP is a living document
 - Reviewed and updated every 3-5 years, major revisions approx. every 10 years
- Public process initiated in June 2018 to evaluate and revise the Commission's governance structure



Opportunities to Provide Input on the Amendment

Facilitated Workshops

- December 13, 2018
- January 17, 2019
- January 24, 2019

Online Survey

- Preliminary survey
 - Distributed December 2018
- Detailed survey
 - Distributed on February 14, 2019
 - Completed on March 19, 2019

Opportunities to Provide Input on the Amendment

Public Comment Periods

- June 20, 2019 workshop
- October 14, 2019 to November 7, 2019
 - 6 commenting entities
 - 119 staff responses

Public Workshops and Commission Meetings

- May 16, 2019
- June 20, 2019
- July 18, 2019
- October 24, 2019
- November 21, 2019
- December 12, 2019
- January 16, 2020
- February 20, 2020
- April 16, 2020

Goals of the Amendment

1. **Improve** governance structure
2. **Clarify** authority
3. **Improve** ability to implement the CCMP
4. **Enhance** Santa Monica Bay NEP partnership and serve effectively as the Management Conference of the Santa Monica Bay NEP
5. **Improve** and **enhance** mechanisms for broader and more effective stakeholder participation
6. **Streamline** processes and **improve** program efficacy

Major changes to the 2014 MOU

- Clarified structure of Santa Monica Bay NEP and Commission's role within Santa Monica Bay NEP
- Ensured distinction between required and optional authorities and functions
- Clarified roles and functions of the components of the Commission



Major changes to the 2014 MOU

- Revised membership of the Commission
- Improved stakeholder engagement processes
- Characterized partnership with the Host Entity, including the NEP Director



Structure of Santa Monica Bay NEP

Comprised of two distinct entities:

- **Management Conference** (Commission)
- **Host Entity, including NEP Director** (The Bay Foundation)

Santa Monica Bay National Estuary Program

National Estuary Program Entities

Santa Monica Bay Restoration Commission

Governing Board

Executive Committee

Technical Advisory Committee

Santa Monica Bay Stakeholders

Commission Staff

National Estuary Program Parallels

Management Conference

Policy Committee

Management Committee

Scientific and Technical Advisory Committee

Citizen Advisory Committee

The Bay Foundation

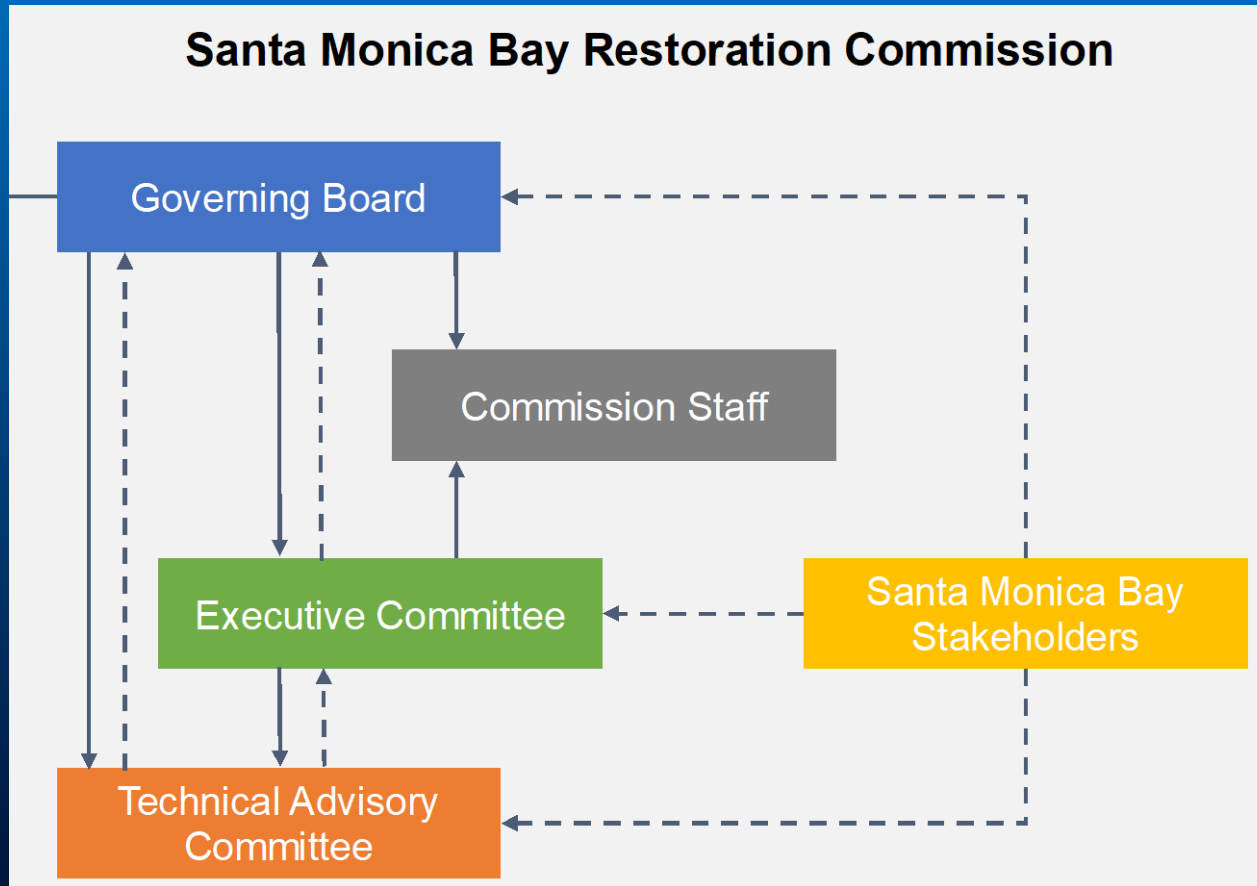
Host Entity and
NEP Director

Required Functions of the Commission*

- Enter into a MOU
 - Secretary for CalEPA, Secretary for California Natural Resources Agency, and Chair of the Governing Board
- Prioritize educational, monitoring, and bond proceeds to achieve the Commission's restoration objectives
 - Expenditure decisions, proposals, or projects

* See Pub. Resources Code 30988.2(b) and 30988.3

Components of the Commission



Key

- Direction
- - - Input and feedback

Governing Board (Policy Committee)

- Key decision-making authority
- Creates long-term vision, sets program priorities and goals, approves CCMP revision and updates and Annual Work Plans
- Delegates authority to Executive Committee
- Solicits and considers input from the other components of the Commission and the Host Entity

Governing Board

(Policy Committee)

- Membership:
 - Added the **Chief Deputy Director of State Water Board** (ex officio voting member)
 - Added the **NEP Director** (ex officio non-voting member)
 - **TOTAL:** 38 members (28 voting and 10 non-voting* members)

* Non-voting members do not participate in closed session



Executive Committee

(Management Committee)

- Oversees day-to-day activities
- Exercises authority delegated by Governing Board
- Facilitates communication among Commission components and with Host Entity
- Establishes mechanisms to identify issues in the watershed
- Solicits input from Santa Monica Bay Stakeholders

Executive Committee

(Management Committee)

- Membership:
 - Added the **Chief Deputy Director of State Water Board** (ex officio voting member)
 - Added the **NEP Director** (ex officio non-voting member)*
 - Added **US EPA Regional Administrator of Region 9** (ex officio non-voting member)*
 - Removed one Vice-chair position (five Vice-chair seats total)
 - **TOTAL: 9 members** (7 voting and 2 non-voting members)

* Non-voting members do not participate in closed session

Technical Advisory Committee (Scientific and Technical Advisory Committee)

- Provides scientific information and expertise to advise the Commission and Host Entity

Commission Staff

- Administrative support provided by State Water Board (consistent with SB 1381)

Improvements to Stakeholder Engagement

- Removed ineffective structures and processes
 - Watershed Advisory Council (WAC)
- Replaced with Santa Monica Bay Stakeholders
 - Ensure extensive stakeholder input is received at all components of the Commission and throughout all phases of the decision-making process
 - Meets US EPA NEP guidance for Citizens Advisory Committee

Santa Monica Bay Stakeholders

(Citizens Advisory Committee)

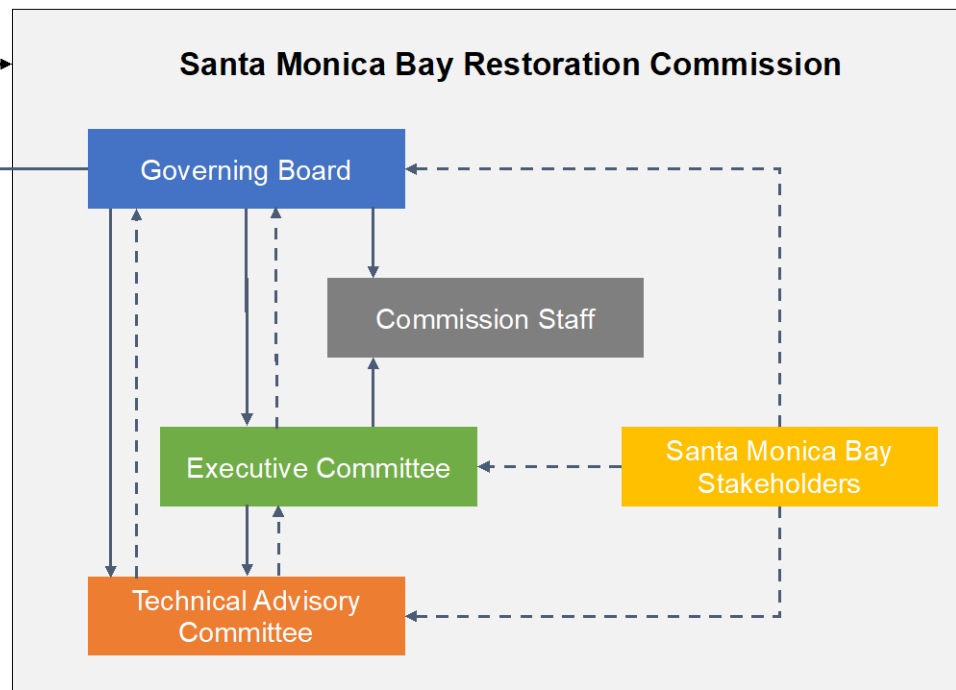
- Inclusive open forum
- Provide information and input on the Commission's activities on an ongoing basis
- Raise issues of concern and provide input on mechanisms the Commission could consider to address issues
- Annual public Workshop(s)
 - Open and neutral forum for providing input on Commission activities

Additional Improvements to Stakeholder Engagement

- Enhanced Commission components' roles in soliciting input from Santa Monica Bay Stakeholders
 - Especially Executive Committee:
 - provides opportunities to receive input
 - establishes mechanisms to identify issues of concern
 - establishes subcommittees
 - considers needs for information items

Structure of the Santa Monica Bay NEP

Santa Monica Bay National Estuary Program



Key

- Direction
- - - Input and feedback
- Partnership
- Host Entity and NEP Director
- Management Conference (Commission)
- Components of the Management Conference (Commission)

Host Entity, including NEP Director

1. Develop and implement the Santa Monica Bay NEP Annual Work Plans
2. Prepare revisions and updates to the CCMP, Santa Monica Bay NEP Annual Work Plans, and any other plans or reports at the request of the Governing Board or Executive Committee
3. Receive the NEP Grant
4. Solicit and receive sources of grant funding for CCMP implementation
5. Provide administrative and technical support for the Santa Monica Bay NEP
6. Identify a NEP Director in consultation with the Governing Board

Host Entity, including NEP Director

- Supports the activities and projects of the Santa Monica Bay NEP
- Ensures effective implementation of the CCMP
- **The Bay Foundation** since 2006

Host Entity, including NEP Director

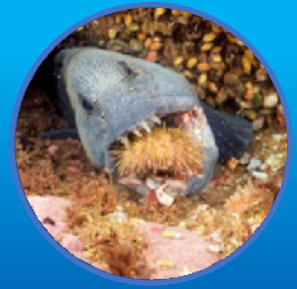
- Details of the Commission-The Bay Foundation partnership are described in a separate MOA
 - Shared responsibilities in CCMP and Annual Work Plan implementation
 - Dispute resolution procedures between the Host Entity and Commission staff
 - Performance assessments
 - Methods for the NEP entities to sever ties



Summary of Draft Resolution

- Proposed Amendment supersedes previous documents
- Governing Board, Executive Committee, and TAC members will continue to serve their terms as specified at the time of their election and appointment

Summary of Draft Resolution



- Appointment of the new members will take effect immediately upon signature of the MOU by all signatories
 - Chief Deputy Director of the State Water Board and NEP Director to the Governing Board and Executive Committee
 - US EPA Regional Administrator of Region 9 to the Executive Committee

Staff Recommendation



Adopt revised Staff Report



Approve the June 3, 2020 final proposed Amendment with ability for staff to make non-substantive changes, if needed



Sign the MOU and forward to the other signatories